

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**  
APR 12 2018  
Clerk, U.S. District Court  
District Of Montana  
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON CARL RUSSELL and  
TIMOTHY FREDERICK WOOD,

Defendants.

CR 18-12-BLG-DLC

ORDER  
NUNC PRO TUNC

WHEREAS, in the indictment in the above case, the United States sought forfeiture of any property of the above-captioned person, pursuant to 21 U.S.C. § 853, as property used or intended to be used to facilitate the violations alleged in the indictment, or as proceeds of said violations;

AND WHEREAS, on April 5, 2018, the defendant Russell entered pleas of guilty to count I of the indictment charging conspiracy to possess with the intent to distribute and to distribute methamphetamine, and count III of the indictment charging possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, on April 5, 2018, the defendant Wood entered pleas of guilty to count I of the indictment charging conspiracy to possess with the intent to distribute and to distribute methamphetamine, count II of the indictment charging

possession with intent to distribute methamphetamine, and count III of the indictment charging possession of a firearm in furtherance of a drug trafficking crime;

AND WHEREAS, both defendants pled true to the forfeiture allegation that stated that as a result of the offenses charged in the indictment, the defendants shall forfeit:

- \$39,606 in United States currency; and
- firearms and ammunition.

AND WHEREAS, by virtue of said guilty pleas, the United States is now entitled to possession of the property, pursuant to 21 U.S.C. § 841(a)(1), 21 U.S.C. § 853, and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. That based upon the pleas of guilty by defendant Russell to counts I and III, and by defendant Wood to counts I, II, and III contained in the indictment, and the pleas of true to the forfeiture allegation, the United States is authorized and ordered to seize the following property. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of to 21 U.S.C. § 853(n)(1):

- \$39,606 in United States currency;

- a Smith and Wesson .38 caliber Lady Smith Pistol (serial number BPJ7120);
- a TCM Model M1911 A1 Tact. 2011MM, 9mm pistol (serial number TCM024105);
- a Smith and Wesson Model 5904, 9mm pistol (serial number TCS8201);
- a Smith and Wesson Model 659, 9mm pistol (serial number TBP7943); and
- a Charter Arms .38 Special (serial number 1328419).

2. That the aforementioned forfeited property is to be held by the United States in its secure custody and control.


3. That, pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a suitable means of general circulation notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the above-listed forfeited property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the

petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practical, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a final order of forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 12<sup>th</sup> day of April, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court